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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,544	02/06/2004	Raymond Owens	2003P03375 US01	6486

7590 04/03/2008  
Alexander J. Burke  
Intellectual Property Department  
5th Floor  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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LE, LINH GIANG

ART UNIT	PAPER NUMBER
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3626

MAIL DATE	DELIVERY MODE
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04/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/773,544	<b>Applicant(s)</b> OWENS ET AL.	
	<b>Examiner</b> MICHELLE LE	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>020604</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### *Notice to Applicant*

1. This communication is in response to application filed 06 February 2004. It is noted that application claims priority to provisional application 60/452,861 filed 07 March 2003. Claims 1-21 remain pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Hambright (2003/0018496).

4. As per claim 1, Hambright teaches a system for grouping records of charges associated with provision of healthcare to a patient to support payment monitoring, comprising:  
  
an acquisition processor for acquiring data related to charges for at least one encounter

of a particular patient with a healthcare provider organization (Hambright; Fig.1, Para. 14);

a source of rules for use in processing acquired charge data (Hambright; Para. 17);  
and a data processor using said acquired charge related data for creating a record grouping charges for provision of services associated with said at least one encounter and indicating an expected reimbursable amount value for said grouped charges, said charges being grouped using said rules to provide a reimbursable amount value expected from a payer organization (Hambright; para. 27).

5. As per claim 2, Hambright teaches wherein said data processor groups charges expected to be reimbursed by said payer organization in a single payment remittance received by said healthcare provider organization, said charges being grouped based on at least one of, (a) a single individual charge comprises a group, (b) charges are grouped together in a claim to be submitted to a payer organization and (c) charges are grouped together as an item among a plurality of items in a claim to be submitted to a payer organization (Hambright; Para. 17).

6. As per claim 3, Hambright teaches further comprising a payment monitor for monitoring payments received for provision of services to patients by comparing said expected reimbursable amount in said created record with an amount identified in a received payment remittance (Hambright; para. 41).

7. As per claim 4, Hambright teaches wherein in response to said comparison, said payment monitor generates an indication identifying at least one of, (a) said expected reimbursable amount in said created record matches an amount identified in a received payment remittance and (b) said expected reimbursable amount in said created record fails to match an amount identified in received payment remittances and action is required (Hambright; paras. 37 and 41).

8. As per claim 5, Hambright teaches wherein said data processor reallocates a charge in said created record to a different second created record in response to a received message identifying an event (Hambright; paras. 37 and 41).

9. As per claim 6, Hambright teaches wherein said identified event comprises at least one of, (a) a change in said rules used in processing acquired charge data and (b) an error in grouping said charges for provision of services in said created record (Hambright; paras. 37 and 41).

10. As per claim 7, Hambright teaches wherein said data processor creates said record by grouping charges in response to date of charge accrual and payer organization rules (Hambright; Fig. 1, para. 17).

11. As per claim 8, Hambright teaches wherein said payer organization rules comprise at least one of, (a) rules provided by a payer organization and (b) derived rules substituting for payer organization rules (Hambright; para. 17).

12. As per claim 9, Hambright teaches wherein said data processor creates said record by grouping charges in response to payer organization rules comprising at least one of, (a) group together charges accruing within a first predetermined time period for multiple encounters of said particular patient with said healthcare provider organization, (b) group together charges accruing within a second predetermined time period for a single encounter of said particular patient with said healthcare provider organization, said single encounter having a duration comprising a plurality of said second predetermined time periods, (c) group together charges accruing in response to a single encounter of said particular patient with said healthcare provider organization, and (d) group together charges accruing in response to multiple encounters of said particular patient with said healthcare provider organization (Hambright; paras. 15, 17).

13. As per claim 10, Hambright teaches wherein said first predetermined time period and said second predetermined period comprise at least one of, (i) a day, (ii) a week, (iii) a month, (iv) multiple months and (v) a payer organization defined period (Hambright; Fig. 1, para. 17).

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14. As per claim 11, Hambright teaches a system wherein:

said particular patient comprises a plurality of related patients (Hambright; paras. 14-15);

said acquisition processor acquires data related to charges for said at least one encounter of said plurality of related patients (Hambright; paras. 14-15), and said data processor uses said acquired charge related data for creating a record grouping charges for provision of services to said plurality of related patients (Hambright; paras. 14-15).

15. Claims 12-21 contain substantially the same limitations as claims 1-11 and are taught by Hambright. The reasons for rejection are incorporated herein.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHELLE LE whose telephone number is (571)272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on 571-272-3600. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LLe/  
Examiner, Art Unit 3626  
LLe

/C Luke Gilligan/  
Supervisory Patent Examiner, Art Unit 3626